

BROCK, Ansgar *et al.*
Appl. No. 09/765,207
Page 5

Remarks

Status of the Application

Claims 68-72 and 74-81 are pending with the entry of this amendment. Claims 68-72, 76-77 and 79-81 stand rejected under 35 U.S.C. § 103(a). Claims 73-75 and 78 are objected to as being dependent upon a rejected base claim, but the Examiner has kindly indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The 35 U.S.C. § 103(a) Rejection

Claims 68-72, 76-77 and 79-81 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sauter (US Patent No. 6,149,815) in view of King et al. (US Patent No. 6,132,582). To overcome this rejection, Applicants have amended claim 68 to incorporate all of the limitations of claim 73, which claim was indicated in the Office Action as being directed to allowable subject matter. The remaining rejected claims (claims 69-72, 76-77 and 79-81) depend from claim 68, so the amendment to claim 68 renders these claims allowable.

The amendment of claim 68 is not intended as an acquiescence to the rejection, but rather is merely to expedite prosecution. Applicants reserve the right to prosecute the subject matter of the original, unamended claims in a different application.

BROCK, Ansgar *et. al.*
Appl. No. 09/765,207
Page 6

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for examination. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned attorney at 858-812-1547.

Respectfully submitted,



Timothy L. Smith, Ph.D.
Reg. No. 35,367

GENOMICS INSTITUTE OF THE NOVARTIS RESEARCH FOUNDATION
10675 John Jay Hopkins Drive, Suite E225
San Diego, CA 92121
Tel: (858) 812-1547
Fax: (858) 812-1981